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FILED

AUG 17 1994

4 Attorney for Defendants
GERALD ARMSTRONG and THE
5 GERALD ARMSTRONG CORPORATION

HOWARD HANSON
MARIN COUNTY CLERK
C HARDING DEPT

6
7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 FOR THE COUNTY OF MARIN
9

10 CHURCH OF SCIENTOLOGY INTERNATIONAL,)
a California not-for-profit)
11 religious corporation,)
12 Plaintiff,)
13 vs.)
14 GERALD ARMSTRONG; MICHAEL WALTON;)
THE GERALD ARMSTRONG CORPORATION,)
15 a California for-profit)
corporation; DOES 1 through 100,)
16 inclusive,)
17 Defendants.)

No. 157 680

DECLARATION OF DEFENDANT
IN SUPPORT OF MOTION TO
COMPEL FURTHER RESPONSES
TO REQUESTS FOR ADMISSIONS
AND FOR MONETARY SANCTIONS

Date: 9/2/94
Time: 10:00 a.m.
Dept: Referee Benz
Trial Date: 9/29/94

RECEIVED

AUG 18 1994

HUB LAW OFFICES

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DECLARATION OF GERALD ARMSTRONG

I, Gerald Armstrong, declare:

1. I am a defendant in the case of Church of Scientology International (CSI) v. Gerald Armstrong, Michael Walton and The Gerald Armstrong Corporation, Marin Superior Court case no. 157680.

2. I am making this declaration to support a motion to compel CSI to answer certain requests for admission and form interrogatories propounded by me in this action.

3. I was Michael Flynn's client in Scientology litigation from 1982 through 1986. I worked in his law office in Boston, Massachusetts from September, 1985 through 1986. I became very familiar with Scientology's attacks on Mr. Flynn and the facts underlying them. I have been present when Mr. Flynn stated to other people that Scientology had ruined his marriage, threatened his family and law practice, and attempted to have him murdered by tampering with his private plane. Mr. Flynn also stated those things to me personally.

4. In July, 1984 I became aware of an operation by Scientology to frame Michael Flynn with the forgery of a \$2,000,000 check on a bank account of L. Ron Hubbard at the Bank of New England. Scientology used this operation to attempt to entrap me, by sending its intelligence operatives to me professing to know that Scientology was framing Mr. Flynn, and wanting my help as a liaison to Mr. Flynn to assist them to clear his name. This resulted in the illegal videotaping of me and

Scientology's false charges that I was attempting to take over the organization. This and related false charges have continued to this day. When working in Mr. Flynn's office I learned of Scientology's paying known criminals George Kattar and Ala Fadili Al Tamimi tens of thousands of dollars to provide false testimony on the basis of which it could attack Mr. Flynn legally and destroy his reputation in the media.

5. At the time of the December, 1986 "settlement" with Scientology of all of Mr. Flynn's cases against it, he stated to me that he had to get out of the Scientology litigation, including my case, and that the threats and attacks would continue if I did not sign the subject settlement agreement.

6. In order to attack me and the decision of Judge Breckenridge in Armstrong I, Scientology has spread the story broadly, including in "dead agent" packs to the media, and recently on the Internet, that, contrary to the findings of Judge Breckenridge, I was not in fear of intelligence fair game operations by Scientology and its Guardian's Office after I left the organization in 1981. See, e.g., declaration of David Miscavige at ¶54, attached hereto as Exhibit A. It bases this story on an unrelated comment I made three years later which it obtained through an intelligence videotape operation, and which it uses out of context.

7. Scientology claims that it disbanded and eliminated its Guardian's Office between 1982 and 1984. I had been a member of the Guardian's Office intelligence bureau in 1975, and had

working closely with it during several more years. The Guardian's Office had been involved in considerable criminal activity and 11 of its intelligence personnel including Mary Sue Hubbard, L. Ron Hubbard's wife, had been convicted of crimes in Federal Court in the late 1970's and sent to prison. (US v. Hubbard, US District Court, District of Columbia, Case No. 78-0401). I know that despite its claim that it disbanded the Guardian's Office, Scientology continues to deal with its perceived enemies, of which I am one, in the same way as the Guardian's Office did, and pursuant to the same philosophy and practice of fair game. Many of the Guardian's Office staff continued in the same functions. The name of the operation has simply been changed to the Office of Special Affairs.

8. I attended the deposition Lynn Farny taken herein on four days in July, 1994. Attached hereto as Exhibit B are true and correct pages from the transcript of said deposition.

9. Attached hereto as Exhibit C is a dead agent document entitled "False Report Correction Breckenridge" produced by CSI pursuant to my request for production herein and authenticated by Mr. Farny in his deposition.

10. I have been the target of Scientology's fair game policy since 1982. I have been the target of its intelligence bureau's covert operations, and both overt and covert operations by private investigators hired by the organization since that time. I have been surveilled, photographed, videotaped, assaulted, run into and framed by its private investigators. Its

private investigators have executed false affidavits accusing me of things I never did, e.g., passing documents to a bearded Arab in England in 1984 (I passed no documents to anyone, met no Arab, bearded or otherwise, and was not in the restaurant where the alleged document passing occurred) and its private investigators have attempted to have me charged falsely with crimes by law enforcement agencies. (See, e.g., letter from Los Angeles District Attorney, attached hereto as Exhibit D.) Some of the acts against me pursuant to Scientology's orders are described by Judge Breckenridge in his decision in Armstrong I. See Exhibit E at 14:22 - 15:3.

11. In its responses to the form interrogatories I propounded herein, CSI has claimed at several points that it has produced documents or discovery to me in the "Main Action" in Los Angeles (Armstrong II). CSI has produced no documents and no discovery of any other kind to me in that case.

12. Scientology's "Creed" states in part:

"We of the Church believe:

...

That all men have inalienable rights to think freely, to talk freely, to write freely their pinions and to counter or utter or write upon the opinions of others;

...

And that no agency less than God has the power to suspend or set aside these rights,

overtly or covertly."

It is my belief that Scientology is attempting through its litigations against me to itself suspend or set aside these "inalienable rights" of its Creed.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at San Anselmo, California, on August 17, 1994.

A handwritten signature in black ink, appearing to read 'Gerald Armstrong', written over a horizontal line. The signature is stylized and somewhat cursive.

GERALD ARMSTRONG

1 William T. Drescher
2 23679 Calabasas Road, Suite 338
3 Calabasas, California 91302
4 (818) 591-0039

5 Michael Lee Hertzberg
6 740 Broadway
7 New York, New York 10003
8 (212) 982-9870

9 Attorneys for Non-Party
10 DAVID MISCAVIGE

11
12 UNITED STATES DISTRICT COURT
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA
14

15 CHURCH OF SCIENTOLOGY) CASE NO. CV 91-6426 HLH(Tx)
16 INTERNATIONAL, a California Non-)
17 Profit Religious Organization,) DECLARATION OF DAVID
18) MISCAVIGE
19)
20 Plaintiff,)
21)
22)
23 vs.)
24)
25)
26 STEVEN FISHMAN and UWE GEERTZ,)
27)
28)
29 Defendants.)
30)
31)
32)

33 I, DAVID MISCAVIGE, declare and say:

34 1. I am over 18 years of age and a resident of the State
35 of California. I have personal knowledge of the matters set
36 forth in this declaration and, if called upon as a witness I
37 could and would competently testify thereto.

38 2. I am not a party in the above-referenced case, nor am I

1 52. Next, I was subjected to a two and a half year criminal
2 investigation by the Internal Revenue Service. Ironically, the
3 very people I had kicked out of the GO exploited the government's
4 concern over acts the GO had committed to make me the target of
5 an investigation based on the very acts they had committed. Of
6 course they didn't make their previous associations with the GO
7 known. In fact, the IRS's Criminal Investigation Division
8 ("CID") was based on specious allegations filed in civil
9 litigation and spread in the media. The thrust of the
10 investigation was an alleged criminal conspiracy begun in 1966 to
11 impede the Internal Revenue Service. I was the primary target of
12 this investigation even though I was only six years old when I
13 began the "conspiracy."

14 53. The CID's massive investigation was ultimately rejected
15 outright by the Justice Department. However, the IRS dossier on
16 me, an accumulation of over 100,000 pages of documents -- the
17 largest in the Service's history -- was filled with falsehoods
18 from a handful of bitter former Scientologists and ex-GO like Mr.
19 Young. It contained the same allegations that have been
20 repeatedly disproved, but which are nevertheless being made again
21 in this case.

22 54. For example, Mr. Young repeats the allegations made by
23 Gerry Armstrong that the Church practices "Fair Game" and that
24 Gerry Armstrong was in "fear of his life." To bolster the
25 validity of this allegation, Vaughn Young refers to the
26 Breckenridge decision. What Mr. Young fails to disclose,
27 however, is the fact that following that opinion, Armstrong was
28 proven a liar. In a police-sanctioned investigation, Gerry

1 Armstrong was captured on video tape acknowledging his real
2 motives, namely a plot to overthrow the Church leadership and
3 gain control of the Church. On those very video tapes, Armstrong
4 acknowledges he not only isn't "afraid," but that he "will bring
5 the Church to its knees." While plotting his overthrow attempt
6 he gives advice that the Church should be accused of various
7 criminal acts. When told no evidence exists to support such
8 "charges," he responds, "just allege it." It should be noted
9 that while Gerry Armstrong had been an "informant" during the IRS
10 criminal investigation, based on these tapes and statements, the
11 IRS dropped him as a witness, thereby repudiating his
12 credibility. Vaughn and Stacy Young were fully aware of these
13 facts as Stacy wrote the cover story in Freedom Magazine that
14 exposed Armstrong's plot.

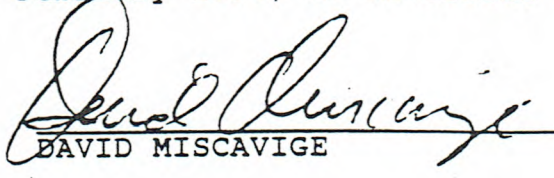
15 55. The steady barrage of such falsehoods poisoned the IRS
16 with respect to the Church generally and me personally. Years
17 later, IRS Internal Security agent Keith Kuhn filed a declaration
18 in several cases, falsely accusing me of threatening another IRS
19 agent with whom I had never spoken in my life. That declaration
20 was stricken as unsupported and scurrilous, and the IRS was
21 ordered by Judge Keller of this Court to pay sanctions for having
22 filed it at all. [Ex. B, Order and transcript, Church of
23 Scientology of California v. IRS, No. CV 90-5638 WDK (C.D.Cal.)]

24 56. The attempts to harass me in litigation have extended
25 to creating not just false allegations, but false documents as
26 well. In 1984, a former staff member, who was employed by a
27 splinter group that was seeking to pull Scientologists away from
28 the Church for the splinter group's profit, created a forged

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 1st day of February 1994, at Riverside County, California.


DAVID MISCAVIGE

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF MARIN

---oOo---

CHURCH OF SCIENTOLOGY)
INTERNATIONAL, a California)
not-for-profit religious)
corporation,)

Plaintiff,)

vs.)

GERALD ARMSTRONG; MICHAEL)
WALTON; THE GERALD ARMSTRONG)
CORPORATION, a California for)
profit corporation; DOES 1)
through 100, inclusive,)

Defendants.)

AND RELATED CROSS-ACTION.)

COPY

NO. 157-680

DEPOSITION OF:

LYNN R. FARNY

Monday, July 11, 1994

VOLUME I

Reported by:
PENNY L. GILMORE
CSR NO. 4724

PENNY L. GILMORE & ASSOCIATES
DEPOSITION REPORTERS
P.O. BOX 862
ROSS, CALIFORNIA 94957
(415) 457-7899

1 A. It was a criminal case.

2 Q. At this time were you -- Strike that.

3 Are you aware of a component that used to be
4 part of Scientology that was known as the Guardian's
5 Office?

6 A. Yes.

7 Q. Was the litigation on which you were working you
8 just made a reference to your second job, as it were,
9 involved with the criminal prosecution in Washington, D.C.
10 of Mary Sue Hubbard and Ann Kello (phonetic) and Duke
11 Synder and the rest of those people?

12 A. Yes.

13 Q. Now you worked with Mr. Moxon at that time, too,
14 didn't you?

15 A. No, he was in D.C. The lawyers I worked with
16 were out in LA.

17 MS. BARTILSON: Your Honor, I am going to raise
18 an objection for CSI. References to the Guardian's
19 Office, and so forth, were all made in the Second
20 Complaint and were all stricken by the court. We're very,
21 very far afield and it was long ago. The corporation,
22 that plaintiff, was not formed until 1981. None of the
23 action that is alleged in this Complaint occurred before
24 that. We're talking about what jobs Mr. Farny did as a
25 volunteer on other cases in 1979. I think it's

1 CERTIFICATE OF DEPOSITION OFFICER

2
3 I, PENNY L. GILMORE, duly authorized to
4 administer oaths pursuant to Section 8211 of the
5 California Code of Civil Procedure, do hereby certify
6 that LYNN ROBERT FARNY, the witness in the foregoing
7 deposition, was by me duly sworn to testify the truth, the
8 whole truth and nothing but the truth in the
9 within-entitled cause; that said deposition was taken at
10 the time and place herein stated, that the testimony of
11 said witness was reported by me, a Certified Shorthand
12 Reporter and a disinterested person, and was thereafter
13 transcribed into computer-assisted transcription under my
14 direction.

15 I further certify that I am not of counsel or
16 attorney for either or any of the parties in the foregoing
17 deposition and caption named, nor in any way interested in
18 the outcome of the cause named in said caption.

19 IN WITNESS WHEREOF, I have hereunto set my hand
20 this 6th day of August 1994.

21
22 _____
DEPOSITION OFFICER, CSR NO. 4724

23 I hereby certify this copy is a
24 true and exact copy of the
Original.

25 Penny L. Gilmore
DEPOSITION OFFICER, CSR NO. 4724

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF MARIN

---oOo---

CHURCH OF SCIENTOLOGY
INTERNATIONAL, a California
not-for-profit religious
corporation,

Plaintiff,

vs.

GERALD ARMSTRONG; MICHAEL
WALTON; THE GERALD ARMSTRONG
CORPORATION, a California for
profit corporation; DOES 1
through 100, inclusive,

Defendants.

AND RELATED CROSS-ACTION.

COPY

NO. 157-680

DEPOSITION OF:

LYNN R. FARNY

Tuesday, July 12, 1994

VOLUME II

Reported by:
PENNY L. GILMORE
CSR NO. 4724

PENNY L. GILMORE & ASSOCIATES
DEPOSITION REPORTERS
P.O. BOX 862
ROSS, CALIFORNIA 94957
(415) 457-7899

1 A. Certainly.

2 Q. What was that?

3 A. I had an ecclesiastical position; I didn't have
4 any corporate position. I worked in the legal department
5 since 1984.

6 Q. When you refer to your working in the legal
7 department from '84 to '88 as holding an ecclesiastical
8 position, would you define for me what you mean by your
9 use of the term "ecclesiastic"?

10 A. A position that derives from -- sorry, that
11 derives its authority, if you will, from the ecclesiastic
12 organization of the Church as opposed to the corporate
13 organization of the Church. The corporation as a
14 corporation is organized with directors and officers;
15 ecclesiastically we're organized otherwise.

16 Q. So the ecclesiastical organization is separate
17 and distinct and apart from the corporate organization?

18 A. Except to the degree --

19 Q. First if you can agree give me a yes-or-no
20 answer?

21 MS. BARTILSON: I'm going to object and ask you
22 to let him finish answering the question before you
23 interrupt. I think that was the ground rules yesterday.

24 THE WITNESS: Except to the degree of this --
25 and the answer is not going to offend you -- the people

1 that occupy the corporate positions occupy similar
2 ecclesiastic positions, so there's some relationship to
3 it.

4 MR. GREENE: Q. Again, my question is that the
5 ecclesiastical organization exists separate and apart from
6 the corporate organization?

7 MS. BARTILSON: Objection, asked and answered.
8 Answer it again.

9 THE WITNESS: Obviously you are dealing with the
10 same group of people. There are parallel -- I think a
11 better way of expressing it, there are parallel
12 ecclesiastical and corporate organizations that are
13 separate, but the part in the question I'm having
14 difficulty with is "distinct." You are talking about the
15 same Church. In other words, the Church of Scientology
16 International is organized in an ecclesiastical fashion,
17 and within those ecclesiastical positions certain
18 individuals occupy corporate positions. To that degree
19 they are separate, yes, but you are talking about the same
20 entity.

21 Q. We're talking about CSI.

22 A. That's right.

23 Q. That's the corporation.

24 A. Mm-hmm.

25 Q. That's one subject matter that we're discussing.

1 first before I go more narrowly.

2 When you make the qualification on the subjects
3 of Scientology and Dianetics, does that include writings
4 on organizational administration?

5 A. That would not be included in the exception.

6 Q. I'm not focused on the exception; I'm focused on
7 the scope of the meaning of scripture. So my question is
8 is it included within the scope of the meaning of
9 scripture L. Ron Hubbard's writings on administrative
0 management?

1 A. Certainly, as it's used in the Church and as
2 it's used in the Organization Executive Courses, First
3 Volume, certainly that's considered scripture.

4 Q. You are a Scientology executive yourself; is
5 that right?

6 A. That's correct.

7 Q. So you have gone through and received some
8 amount of training in the organization executive courses,
9 right?

0 A. Yes.

1 Q. Would you tell me what the extent of your
2 training in that regard has been?

3 A. I've done the entire Organization Executive
4 Course, which is the study of the encyclopedic volumes of
5 Church policy as well as the Flag Executive Briefing

1 chief. No, it wasn't chief, it was director of both of
2 those. Then I was the All Clear legal secretary. My next
3 post in legal was litigation chief, legal aide.

4 Q. Legal aide is a different post?

5 A. It's different.

6 Q. I just want to make sure I'm clear.

7 A. Legal quality control officer and then civil
8 litigation officer.

9 Q. And all of these positions were all positions
10 within the ecclesiastical authority of CSI, right?

11 A. Not all that I listed.

12 Q. Let me go through them and check them off and
13 then you can tell me.

14 A. You want me just to tell you where the ones
15 within CSI start?

16 Q. Sure.

17 A. Litigation secretary, all the ones thereafter.

18 Q. Those were ecclesiastical positions?

19 A. No, all the ones from that one onward was within
20 CSI. The ones previously were CSC, Church of Scientology
21 California.

22 Q. So when you were supercargo USGO, that was
23 within CSC?

24 A. That's right.

25 Q. Then you made reference to the reorganization

1 and that's what has been called in the past "mission
2 corporate category sort-out"?

3 A. No.

4 Q. That's a different reorganization?

5 A. Mission corporate sort-out didn't result in a
6 reorganization; it was abandoned. It was a complete
7 failure.

8 Q. The reorganization, then, to which you were
9 making reference was the reorganization that resulted, at
10 least in part, with the origination of CSI, RTC, Religious
11 Technology Center, and CST, Church of Spiritual
12 Technology, right?

13 A. In part. It began approximately in the summer
14 of 1981 and was complete with a total disbandment of the
15 Guardian's Office by October of '83.

16 Q. Now the list that you gave me of litigation
17 secretary on, those all were within OSA, right?

18 A. That's correct.

19 Q. And OSA is an ecclesiastical organization,
20 right?

21 A. The Office of Special Affairs International.

22 Q. Right.

23 A. What we've been calling OSA.

24 Q. Yes. Just so we're clear, there's a difference
25 between the Office of Special Affairs and Office of

1 Special Affairs International, isn't there?

2 A. Yes.

3 Q. So when you and I have been talking here saying
4 the words or the letters OSA, what my understanding has
5 been is we've been referring to the international
6 organization; is that the same as what yours has been?

7 A. I don't think I've used it any other way.

8 Q. I don't think you have either. I just want to
9 make sure we're clear.

10 A. Yes.

11 Q. So with all that in mind, going back to Bates-
12 stamped page 13 of Exhibit three, when you are talking
13 about items two and three there and references made to
14 ecclesiastical authority and governance in ecclesiastical
15 matters by said hierarchy, what we're talking about is OSA
16 International, right?

17 A. Not exclusively, no.

18 Q. But in part?

19 A. Small part certainly, but we're not the main
20 line of ecclesiastical management of the religion; we're a
21 small portion of that that deals with external matters
22 such as this lawsuit. So we're not by any stretch of the
23 imagination the mainline of activity of the Church.

24 Q. Right. I'm not meaning to suggest that you are.

25 A. Within those confines, fine.

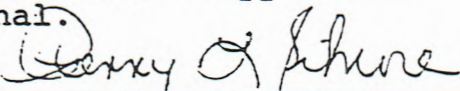
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2
3 I, PENNY L. GILMORE, duly authorized to
4 administer oaths pursuant to Section 8211 of the
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6 that LYNN ROBERT FARNY, the witness in the foregoing
7 deposition, was by me duly sworn to testify the truth, the
8 whole truth and nothing but the truth in the
9 within-entitled cause; that said deposition was taken at
10 the time and place herein stated, that the testimony of
11 said witness was reported by me, a Certified Shorthand
12 Reporter and a disinterested person, and was thereafter
13 transcribed into computer-assisted transcription under my
14 direction.

15 I further certify that I am not of counsel or
16 attorney for either or any of the parties in the foregoing
17 deposition and caption named, nor in any way interested in
18 the outcome of the cause named in said caption.

19 IN WITNESS WHEREOF, I have hereunto set my hand
20 this 7th day of August 1994.

21
22 DEPOSITION OFFICER, CSR NO. 4724
23 I hereby certify this copy is a
24 true and exact copy of the
Original.

25 
DEPOSITION OFFICER, CSR NO. 4724

25

FALSE REPORT CORRECTION
BRECKENRIDGE

DEFENDANT'S
EXHIBIT
25
7/27/94 Farny

CHURCH OF SCIENTOLOGY OF CALIFORNIA (Plaintiff)

VS

GERALD ARMSTRONG (Defendant)

June 20, 1984

Gerry Armstrong is a former clerk for the Church of Scientology of California who, as part of his duties, was entrusted with the care of thousands of pages of personal records belonging to L. Ron Hubbard. In December 1981, Armstrong left the Church, and took with him over 10,000 pages of records belonging to Mr. Hubbard, Mrs. Hubbard and the Church. This included 5,000 pages of original documents for which no copy was left behind.

In August 1982, the Church filed suit against Armstrong for return of these documents. Judge Paul Breckenridge, who presided over the case in the California Superior Court, admitted that in taking the documents, Armstrong "may have engaged in overkill, in the sense that he took voluminous materials, some of which appear only marginally relevant to his defense." Armstrong pleaded "justification," claiming that his theft of the materials was necessary as insurance against suits or attacks against him by the Church.

Apart from his comments on Armstrong's "overkill," Breckenridge's findings were highly negative about the Church and Mr. Hubbard, showing the extent to which false reports aired in the courtroom by Armstrong had impinged on him.

Since the case was heard, Armstrong has adopted a hippy life-style. He is the self-proclaimed founder of the "Organization of United Renunciants." A November 1992 article in the Marin Independent Journal featured a photograph of an apparently naked Armstrong, eyes closed and smiling, sitting in a lotus position embracing a globe.

The article stated that "Gerald Armstrong has an idea for dealing with the national debt — write it off. Forget it. It doesn't exist."

"It's that easy.

"The novel prescription for fixing the fiscal fiasco is only part of Armstrong's larger message that money should be abolished. ... Armstrong can count only a handful of friends as converts, but he is trying to get the word out. Detailed proposals have gone out to Bill Clinton, Ross Perot and Pete Wilson (no one has tapped him for an economic advisory post just yet). He has also written to the New York Times and other mega-media.

"Ted Koppel has not called."

Section 1 -

200358

FALSEHOOD IN FINDINGS BY JUDGE BRECKENRIDGE:

"The Church or its minions is fully capable of intimidation or other physical or psychological abuse if it suits their ends. The record is replete with evidence of such abuse."

TRUE INFORMATION

Incontrovertible evidence, not available at the time of the trial and not permitted to be included in the appeal record, has established that Armstrong's justification defense was a fraud upon the court, designed to avoid liability for his tortious conduct and to prevent fair adjudication of the Church's claims.

As the custodian of confidential Church papers, Armstrong had a fiduciary responsibility not to disclose these documents to individuals outside the Church. In breach of this obligation, Armstrong loaned the documents to one Omar Garrison, an author who at one time had been retained to write a biography of Mr. Hubbard, a project which fell through. Armstrong gave these documents to Garrison not to assist him in writing the biography but to enable Garrison to deliver them to attorneys representing litigants involved in suits against the Church.

In April 1982, Armstrong also made contact with Michael J. Flynn, who was the lead attorney in more than a dozen lawsuits against the Church. Armstrong showed Flynn two of the most intensely private archival documents. Thereafter, from May until August 1982, Armstrong continued to give stolen documents to Flynn for use in Flynn's cases against the Church, even though the litigation did not involve Armstrong. Ultimately, Armstrong gave Flynn thousands of documents, including original and private naval records and diaries of Mr. Hubbard from the 1940s.

On May 26 and May 27, 1982, the Church wrote to Armstrong demanding return of all the stolen documents, but Armstrong denied having them. Subsequently, Armstrong admitted that he indeed had possessed the stolen documents on those dates.

Trial began in May 1984. The Court received the testimony of Armstrong and his witnesses, many of whom were clients of attorney Flynn in other actions against the Church. These witnesses for Armstrong were permitted to testify as to Armstrong's purportedly imperiled state of mind. The Court did not permit the Church to present any of its own witnesses to rebut the testimony of hostile witnesses about Armstrong's alleged "state of mind."

Breckenridge also heard "evidence" from Armstrong consisting of distortions, half-truths, and outright falsehoods, amounting to a justification defense that Armstrong had stolen the documents to protect himself in the event of "retaliation" by the Church.

Since the trial, the Church has discovered new evidence which was completely unavailable at the time of trial. This evidence shows conclusively that Armstrong's "justification" defense was a sham and a fraud. He was not remotely in fear of retaliation by the Church and

was actively plotting the Church's downfall.

Armstrong considered the stolen materials useful not only as a lever against the Church and the Hubbards in then- ongoing litigation with Flynn's clients, but he also sought to use the materials in pursuit of his plan to undermine the Church for his own financial benefit.

As part of his plan, Armstrong actively sought out Church staff members who would be willing to "defect" and assist him in discrediting Church leadership. After leaving the Church, he contacted Church member Daniel Sherman to enlist Sherman's aid in attacking the Church. Sherman, without Armstrong's knowledge, consulted Church staff for advice. It was decided that the Church would obtain authorization from the Los Angeles Police Department to make "undercover" videotapes of Armstrong's conversations with Sherman and any other Church dissidents or defectors.

The police authorized the investigation and videotapes, at which point Sherman embarked on an effort to ascertain the full extent of Armstrong's intentions.

Sherman informed Armstrong that a group of staff members who were dissatisfied with Church management might be interested in working with him in his efforts to undermine the Church. This wholly fictitious group was dubbed "the Loyalists."

Sherman enlisted the aid of two other persons, David Kluge and Mike Rinder, who agreed to pose as "Loyalists" and meet with Armstrong. Kluge assumed the code name "Joey," and first met with Armstrong in the late summer of 1984.

Armstrong told "Joey" that part of his plan was to use the auspices of the Internal Revenue Service to attack the Church. Armstrong wanted "Joey" to plant in the Church's files the documents Armstrong would fabricate, so that Armstrong could tell the Criminal Investigation Division (CID) of the Los Angeles IRS office to conduct a raid and find the "incriminating" documents. He reassured "Joey" that he would be able to create the needed documents "with relative ease" since he had done "it for a living."

Armstrong also explained to "Joey" how he intended to go about forging the new documents, based on his experience: ARMSTRONG: "So it seems to me that the use of the communication lines, I don't know maybe you guys are using them, but it seems to me that you don't have a way of printing anything to get an issue on the lines, used for anything. Right? I'm saying that I can do it. I can type those goddam things and duplicate them and make them look exactly the same. You can't, you would not be able to tell the difference."

Armstrong also made it clear that he had developed a personal program intended to undermine and eventually destroy the Church. His goals were to oust the current management of Scientology, to obtain an advisory position within the restructured Church by becoming a consultant to the "Loyalists" and to plunder the Church for his own financial gain. His program to remove current Church management included the filing of a civil suit, based on evidence that

he would manufacture. In a conversation with another co-conspirator, who, unknown to Armstrong, was still faithful to the Church, he insisted that the suit could be launched based on manufactured allegations. ARMSTRONG: "They can allege it! They can allege it! They don't even have - they can allege it!" MIKE: "So, they don't have to -- like, they don't have to have the document sitting in front of them, and then...." ARMSTRONG: "I'm f-king saying the organization destroys the documents...!" MIKE: "The point -- the point I'm trying to get across is that that's not criminal. That's the -- that's the civil complaint in there and that would have to be proven." ARMSTRONG: "Show me the lines you're talking about." MIKE: "Well, it's over here." ARMSTRONG: "Where are the -- we don't have to prove a goddam thing. We don't have to prove sh-t. We just have to allege it. Section 2

At other meetings between Armstrong and his "co-conspirators," Armstrong described in detail his plans for bringing about the collapse of the Church so that he and the other "Loyalists" could move in and take over. Armstrong's goal, as revealed in his own words on videotape, was to overthrow existing Church management and to set up in its place a new set of Church executives who would settle all of the civil damages suits brought against the Church by the attorneys representing Armstrong. His plans included planting forged incriminating documents in Church files, to be discovered by a government raid, and blackmailing a senior Scientologist executive through attempted sexual entrapment. Section 3

In sum, Armstrong's plans consisted of:

- A) Stealing documents from the Church to serve as models for forgeries. Section 4
- B) Plotting the forgery of false incriminating evidence in Church files. Section 5
- C) Orchestrating a coup in which agents of Armstrong and the U.S. government would wrest control of the Church of Scientology from its lawful management; Section 6
- D) Suborning perjury in order to keep his conspiracy under cover. Section 7

Armstrong also worked closely with Michael Flynn and two members of the IRS CID, Al Lipkin and Al Ristuccia. In late summer or early fall of 1984, Armstrong contacted Sherman and explained that he and his IRS contacts had come up with a plan to create false documents and plant these on Church premises, where they would be seized in a CID raid. According to Armstrong the IRS agents wanted the "Loyalists" to plant covert electronic bugs in Church offices. Armstrong offered eavesdropping and special photographic equipment.

Armstrong informed Joey that the "Loyalists" would be placed in the federal witness protection program and would receive tax-exempt status in exchange for participating in the covert operation.

Judge Breckenridge, who in his decision praised Armstrong for his "dedication" to the truth, would have been astonished had he witnessed Armstrong's discussions with "Joey." In one

of them, available on tape, Armstrong instructed "Joey" how to lie under oath about their plans to disrupt Church management. Armstrong wanted "Joey," if deposed, to say that he and Armstrong had merely discussed a "global settlement" of Church litigation. ARMSTRONG: "OK, what are our conversations, should it come down to it?" JOEY: "What do you mean?" ARMSTRONG: "What do we talk about? You're deposed. You walk out there, and there's a PI hands you a paper, saying you're deposed Jack, and not only that, you're out of the organization. And what do you say in deposition. Well, Armstrong and I talked about this, and he had a whole bunch of ideas about how to infiltrate the communication lines and spread turmoil and disaster, you know. What are we doing here? That's my question, before I tell you my ideas on documents." JOEY: Well, what I got is basically -- Loyalists gotta -- we gotta move -- we've got the suit coming up and I guess we need other lines to get stuff going...." ARMSTRONG: "OK. So as far as the doc... Let me just say, ah, you and I get together, we get together because we have a goal of global settlement. You have felt that the turmoil and abuses and so on have gone on too long... Hence we get together and discuss things. We have not discussed anything about a destruction of the tech, or Scientology is bad, or anything like that. Are we agreed?"

Armstrong successfully used the fabricated defense of justification to pull the wool over Breckenridge's eyes and escape liability for his theft and breach of confidence. During one meeting with "Joey," Armstrong's alleged claim that he "feared" Church retaliation was revealed as a complete falsehood. JOEY: "Well you're not hiding!" ARMSTRONG: "Huh?" JOEY: "You're not hiding." ARMSTRONG: "F-k no! And...." JOEY: "You're not afraid, are you?" ARMSTRONG: "No! And that's why I'm in a f-king stronger position than they are!" JOEY: "How's that?" ARMSTRONG: "Why, I'll bring them to their knees!"

New evidence of Armstrong's fraudulent intentions was revealed in a declaration of November 18, 1991, in which he admitted that he never intended to stick to the terms of the settlement agreement he signed with the Church in 1986. In his declaration, Armstrong asserted that he had read and understood the settlement agreement, but that he "put on a happy face" and went through the charade of signing it even though he told his lawyers that he never intended to keep to its terms. Armstrong's stated reason for signing the agreement in the full knowledge that he would violate it later is so that he could receive the "financial wherewithal" to "get on with the next phase of [his] life." Section 8

Breckenridge's willingness to believe Armstrong is partly attributable to Armstrong's own skill as a con-man, and partly to Breckenridge's own history as a judge compounded with his misperception of the Church of Scientology.

Paul Breckenridge spent 15 years of his life, from 1953 to 1968, defending alleged criminals in the Los Angeles Public Defender's office. Breckenridge went into the L.A. Superior Court in 1968 and was assigned to criminal trials up until 1974. It was not until 1978 that Breckenridge moved to civil cases.

Breckenridge's history shows that he came under attack several times as a judge in the

criminal court, including having suits filed against him for violation of civil rights. Breckenridge has been sued together with staff from the Los Angeles District Attorney's office, the California Attorney General's office and others in the field of law enforcement.

On December 8, 1971, a Ronald Fobbs filed suit against Breckenridge and several others including the L.A. District Attorney. The suit was filed over an incident whereby Fobbs spent two years in jail unnecessarily. Because Fobbs had never waived his right to a jury trial, when the decision in his case was reversed he sued Breckenridge and others involved in the case. He did not pursue it.

In July 1973, Breckenridge was sued together with L.A. District Attorney Joseph Busch and other law enforcement personnel, again on charges of violations of federal rights. The plaintiff was a John Aravjo, who asked for \$20,000 compensatory damages plus \$10,000 punitive damages from each plaintiff. Aravjo filed suit claiming harassment and deprivation of his right to a fair and speedy trial, but again, it was not followed through.

These cases indicate that Breckenridge was weak in cases involving civil rights or the defense of basic freedoms. Further, in regard to the Church of Scientology, Breckenridge's many years in the L.A. Court system meant he was familiar with court cases involving members of the former Guardian's Office of the Church. This office had been an autonomous organization charged with responsibility for public relations, investigative and legal matters. It was disbanded by Church management and no longer exists.

In his decision, Breckenridge referred to the Guardian's Office (GO) and showed that he had confused the GO with the Church of Scientology. He failed to realize that it is current Church management which abolished the GO and restructured the external-facing activities of the Church from scratch. By the time the Armstrong case went to trial, current management of the Church had already taken decisive steps to ensure that a repetition of the incidents that led to the imprisonment of eleven GO members would never occur again.

Ignorant of these facts, Breckenridge assumed that the Guardian's Office and the Church were one and the same. This misperception made him an easy target for Armstrong, who adopted the deliberate tactic of exploiting the judge's faulty perception of the Church.

In an interview that he gave to the Rocky Mountain News in February 1983, Mr. Hubbard made clear that the GO actions which led to indictments were totally against the policies of the Church. He said, "I learned about it [the case] like everyone else -- after the fact -- and could only shake my head in dismay... Whatever they did, if they did it, was in violation of any policy I ever wrote while Executive Director, years ago, and I think all those people have been removed, as I understand that there is an entirely new hierarchy in the Church."

In actual fact, Scientologists do charitable work, thousands are active in remedying drug abuse, crime and illiteracy and nearly all are active in some way to improve their community. These facts about the Church never came to Breckenridge's notice.

FALSEHOOD IN FINDINGS BY JUDGE BRECKENRIDGE:

[Scientology] under the pretext of 'freeing humans' is nothing in reality but a vast enterprise to extract the maximum amount of money from its adepts.

TRUE INFORMATION:

The Church of Scientology is not a money-making enterprise; it is, as numerous courts have affirmed, a religion. In country after country, courts have exhaustively examined the philosophy and practice of Scientology and upheld its religious bona fides.

A landmark recognition which upheld the religious nature of Scientology was issued from the United States Court of Appeals in 1969. The court ruled, "the Founding Church of Scientology has made out a prima facie case that it is a bona fide religion... a prima facie case exists that auditing [counseling] is a practice of Scientology, and that accounts of auditing integrated into the general theory of Scientology are religious doctrines." Section 9

In affirming Scientology's status as a religion, the U.S. District Court for the District of Columbia stressed equal treatment for religions under the Constitution. In 1983, the court stated that "the Church of Scientology must be treated the same as any established religion or denominational sect within the United States, Catholic, Protestant or other."

In 1985, in the Superior Court of California, Judge Norman L. Epstein emphasized that the Church's religious nature was not open to question. "The supporting documents for the proposition that Scientology is a religion do more than make a prima facie case; they make a strong case," Epstein ruled.

Many of these recognitions are reproduced in a booklet published by the Church, entitled Winning! Victories of the Church of Scientology. Section 10

Since the mid-1970s 14 Scientology Churches have been recognized as Churches and as tax-exempt religious organizations by the Internal Revenue Service.

In countries outside the United States, Scientology has also achieved recognition as a religion from numerous courts, including the High Court of Australia. In 1983, five judges of the High Court found unanimously that "The conclusion that [Scientology] is a religious institution entitled to tax exemption is irresistible." Section 11

Again and again, Court findings have stressed that the income received by the Church is used for no other purpose than to further the religious aims of Scientology.

On 12 October 1988, the Administrative Court in Berlin ruled that there was no evidence that income received by the Church went to private individuals. The court found that, "Plaintiff [the Church] showed that the gained income is used for the religious and philosophical

activities of the associations in Germany and also in other countries...." Section 12

On 30 January 1985, the District Court of Stuttgart, Germany had issued a clear-cut ruling which made the same point:

"The court has no indication that the assumption that books available for purchase, brochures or other study and information materials would not serve this religious purpose; the same is valid for the course seminars and auditing being subject to a contribution fee, all of which -- according to the self-understanding of the concerned and his church -- constitute direct religious actions and customs, and immediately serve a religious purpose or are directly religiously motivated." Section 13

On 19 September 1990, the District Court of Hanover repeated that funds collected by the Church were used solely to further the religious activities of Scientology.

In Italy, the Church has also been found qualified for tax-exemption on the basis of its being a religious not a commercial activity.

The following are some examples:

On 27 March 1990, the Tax Commission in Monza ruled that, "It is the opinion of this Commission that the nature of the activities carried out by plaintiff are apparently aimed at the dissemination of doctrinal and religious principles, and certainly not of a commercial nature." Section 14

On 20 September 1990, the Tax Commission in Torino stated that "the religious nature of Scientology is to be taken as ascertained."

"The fees given by believers for the services received and the contributions paid by them in order to receive services and various materials, doesn't change the essential nature of the services..." Section 15

On 25 November 1991, the First Tax Court of Como stated, "There remains no doubt as to the transactions under discussion being non-commercial in nature, thus tax-exempt." Section 16

Finally, on 2 July 1991, the Milano Appeals Court reiterated that the delivery of books and services by the Church in exchange for a fee is not a commercial activity and not subject to taxes.

A study of the financial intake of various religions found remuneration for local leaders of the Church of Scientology was 2.5% of the Church's gross intake but for staff and ministers of the Roman Catholic, Lutheran and Reformed (United) Churches remuneration amounted to 26.7%, 30.8% and 40.1% respectively.

The above statements and decisions, and many others, make plain that Scientology is a religion and that the Church of Scientology is organized for one purpose only: to disseminate the religious philosophy of Scientology to the people of Earth.

FALSEHOOD IN FINDINGS BY JUDGE BRECKENRIDGE:

The organization clearly is schizophrenic and paranoid.

TRUE INFORMATION:

This statement is completely absurd. Scientology, in its 42 years, has expanded to over 1,100 churches, missions and other groups throughout the world. That expansion is built on a solid record of helping people lead happier, better lives.

The Reverend Dean M. Kelley, Counselor on Religious Liberty for the National Council of Churches, has written that he has befriended "a number of Scientologists -- some high in the organization -- over the years.... I have found them to be earnest, enterprising, public-spirited and committed people...."

The Church of Scientology is also active in making improvements in the community; Scientologists are out there, involved, visible and effective.

The Church helped to create a safe environment during the riots in LA, when Scientologists surrounded an entire city block at Hollywood and Vine and earned the gratitude of neighbors for protecting their property. No weapons were carried by the Scientologists who formed this protective cordon. Yet the measure was effective. The Times of London noted that during the worst day of the riots, the city block guarded by Scientologists was one of the very few in Hollywood Boulevard where no business was torched or looted. Section 17

The Church also takes part in programs to assist the less fortunate. For many years the Church of Scientology in Los Angeles has worked with the Department of Children's Services of Los Angeles County to provide toys and Christmas holiday entertainment for foster children under the Department's care. These children are, most commonly, from broken families or are victims of abuse. The contributions made by Scientologists have resulted in many commendations from the Department.

In 1991-1992, numerous proclamations and expressions of support for the Church and its social reform campaigns have come in from mayors, politicians, law enforcement officers, artists and community leaders in the U.S., Canada, Britain, Italy, Australia, Mexico, Germany, France and many other countries.

The Church enjoys a high profile. In 1991, it completed the largest outreach campaign in its history, involving a series of full-page color ads placed in USA Today. These ads began in June and continued appearing every weekday, and later, every second weekday, continuously

until October. The advertisements covered major areas where Scientologists are active, including the reform of the press and the exposure of psychiatric drugs and human rights abuses. Follow-up ads expounded on the religion of Scientology itself, including its beliefs, practices, and the personal testimonies and photographs of some of its members. Section 18

The Church concluded the series of ads with a public information campaign on the Internal Revenue Service which inspired more than 14,000 supportive letters and phone calls from readers of USA Today.

This campaign aroused intense media interest and established the Church of Scientology as one of the most powerful social reform groups in the world.

FALSEHOOD IN FINDINGS BY JUDGE BRECKENRIDGE:

The evidence portrays a man [LRH] who has been virtually a pathological liar when it comes to his history, background, and achievements. The writings and documents in evidence additionally reflect his egoism, greed, avarice, lust for power, and vindictiveness and aggressiveness against persons perceived by him to be disloyal or hostile.

TRUE INFORMATION:

Breckenridge based his comments on allegations made by Armstrong concerning Mr. Hubbard's past. Yet, Armstrong's incompetence as a researcher is well documented. Ironically, it was Armstrong's lack of research into the various facts and incidents regarding Mr. Hubbard's life that led him to his false claims.

In the court transcripts, Armstrong admitted to his own incompetence as a researcher.

While being cross-examined concerning his "research" regarding L. Ron Hubbard's career as an officer in the Navy during World War II, Armstrong stated the following about himself:

1. He was never trained in how to research a biography.
2. He never searched out and obtained official documents from any agency of the United States government.
3. He was not aware that there was an agency of the United States Navy that kept records of ships.
4. He never attempted to find out what data the Naval Historical Center had on the subchaser 815, the ship under the command of L. Ron Hubbard during World War II.
5. Armstrong concluded that Hubbard was not a Commander of a squadron of Corvettes

as he did not do the necessary research to locate the documents in Navy files which established that Hubbard was in command of a squadron of Corvettes (English term for subchaser). Armstrong was not even aware that the initials SC stood for Submarine Chaser.

When questioned during the trial on evidence substantiating Mr. Hubbard's combat record, Armstrong admitted that he merely "went through some books on the subject. But that was it. I never went to D.C. And I obviously never checked the sources that whoever did this research was able to check. So I stand corrected." Section 19

Armstrong also challenged Mr. Hubbard's claim that he (Mr. Hubbard) had been made a blood brother of the Blackfeet Indian tribe. Yet just recently that nation celebrated Mr. Hubbard's 70th anniversary as a blood brother.

A reliable account of Mr. Hubbard's career in the Navy is given by L. Fletcher Prouty, former senior US intelligence officer with the Pentagon.

Mr. Prouty, who joined the Army just a month before Mr. Hubbard joined the Navy, is experienced in reading and understanding military and intelligence records. There is an intelligence process called "sheep dipping," wherein additional or cover files are created which mask the true activities of the intelligence operative. Mr. Prouty's knowledge is based on firsthand experience in creating such files.

His analysis of Mr. Hubbard's files shows that there are at least two and more likely three separate and different files in existence: a "false" file created by the Navy; a personnel file; and a file which contains Mr. Hubbard's true activities as an intelligence officer. It is this last file which appears missing and therefore there is an incomplete record of Mr. Hubbard's career.

Detailed examples are provided in Mr. Prouty's affidavit. Section 20

Regarding Mr. Hubbard's medical history, Mr. Prouty points out that Mr. Hubbard's Notice of Separation paper indicates he was awarded the Purple Heart twice. The Purple Heart is awarded only to those wounded in action.

Another document from the US Naval Hospital in Oakland covers Mr. Hubbard's condition following the war:

"Eyesight very poor..." "Lame in right hip from service connected injury. Infection in bone... all service connected."

In sum, Mr. Hubbard's past is exactly what he stated it is and Breckenridge was completely misled by Armstrong's false claims.

Mr. Hubbard's achievements completely belie Armstrong's allegations and

Breckenridge's forwarding of them. Through hundreds of books and literally thousands of articles and lectures, L. Ron Hubbard communicated and taught the methods which today are used by millions to improve their own lives and the lives of those around them. His career spans more than 50 years during which he produced over 530 published works which have sold more than 100 million copies in more than two dozen languages. In developing the religious philosophy of Scientology, he delivered and recorded over 6,000 lectures. In country after country, he has received wide acclaim for his accomplishments in bettering mankind.

Of the more than 2,400 awards, recognitions, plaques, proclamations and letters of recognition L. Ron Hubbard has received for his writings and humanitarian work, the following are most notable:

The Saturn Award for Battlefield Earth awarded by the Academy of Science Fiction, Fantasy & Horror Films.

The Tetradrama D'Oro Award, a cultural award in Italy, awarded to L. Ron Hubbard as a world-renowned author contributing to the culture and peace of Earth.

In 1988 a plaque was awarded to L. Ron Hubbard by Publishers Weekly to applaud him for the release of his international bestseller in paperback, Mission Earth [Vol 1], considered a masterwork.

In the same year, The Publishers Weekly Century Award was conferred upon L. Ron Hubbard. It was awarded to commemorate the appearance of Dianetics on the Publishers Weekly bestseller list for 100 consecutive weeks.

The Sol de Oro (Golden Sun) award for Dianetics from the National Association of Journalists in Mexico City. This award is given to personalities with outstanding achievements in the fields of communication, art and culture.

The Golden Laurel for Human Sciences award, given to L. Ron Hubbard as a man of literature, an author and a humanitarian. Awarded for contributions to the betterment of the French Culture and its Community.

The Cosmos 2000 award, a French science fiction prize, awarded in 1989.

The Nova science fiction award. The Nova SF award was granted to L. Ron Hubbard posthumously for his contribution to Italian science fiction. L. Ron Hubbard is the only non-Italian writer awarded.

The Rosette (Golden Tie) award is presented once a year for outstanding achievement in the field of the arts by the French National Federation for Culture. The Golden Tie was awarded to L. Ron Hubbard as a writer for a lifetime of work in the enhancement of culture.

The Gold Medal from the Academy of Arts, Sciences and Letters in France was awarded to L. Ron Hubbard in 1990 for all his literary works and achievements. This committee was formed in 1915 as an academical society for education and enlightenment under the patronship of the famous French Academy, the most important literary institution in France.

This medal is given to the highest personalities in the fields of arts, sciences, literature and aviation.

In 1992, the prestigious State University of Moscow conferred a posthumous doctorate of literature upon Mr. Hubbard. Section 21

FALSEHOOD IN FINDINGS BY JUDGE BRECKENRIDGE:

The practice of culling supposedly confidential [counseling folders or files] to obtain information for purposes of intimidation and/or harassment is repugnant and outrageous.

TRUE INFORMATION:

This practice is not part of Scientology religious counseling. The Auditors Code, which binds all auditors and is the senior policy concerning Scientology counseling, places an obligation on the auditor to maintain strict confidentiality on all information divulged during auditing. Such information is protected by priest-penitent privilege.

In his decision, Breckenridge referred to a Guardian's Office policy letter written by Mary Sue Hubbard which had allegedly authorized the practice of culling information from counseling folders. Any such directive is not part of the Scientology scriptures and was long ago canceled.

As mentioned above, the Guardian's Office was disbanded by current Church management when it was found to have veered wildly off Church policies as laid down by Mr. Hubbard.

In May 1992, Mr. David Miscavige, chairman of the board of the Religious Technology Center which has final responsibility for ensuring the purity of application of Scientology, testified that he had personally removed Mary Sue Hubbard from her position at the head of the Guardian's Office. Following her removal, Mr. Miscavige and other senior Church officials restructured the external-facing activities of the Church from scratch and incorporated them within the overall management structure of Scientology. Section 22

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OFFICE OF THE DISTRICT ATTORNEY

COUNTY OF LOS ANGELES
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IRA REINER, DISTRICT ATTORNEY

April 25, 1986

Rev. Ken Hoden
Rev. Kathleen Gorgon
Rev. Heber Jentzsch
Mr. John Peterson
Mr. David Butterworth
Church of Scientology
1301 N. Catalina
Los Angeles, California 90012

Gentlemen:

In re S.I.D. CASE NO. C85-0054

In your letters dated May 1 and July 19, 1985, you asked that this office investigate your allegations that:

1. Chief Daryl Gates of the Los Angeles Police Department, Agents Al Lipkin and Al Ristuccia of the Internal Revenue Service, Gerald Armstrong, and Michael Flynn have committed the crime of conspiracy to obstruct justice.
2. Internal Revenue Service Agents Al Lipkin and Al Ristuccia additionally "aided and directed" the commission by Gerald Armstrong of violations of Penal Code Sections 182 (Conspiracy), 134 (Preparing False Evidence), and 653f (Solicitation of the commission of certain crimes).
3. Gerald Armstrong additionally prepared false documentary evidence in violation of Penal Code Section 134; committed extortion in violation of Penal Code Section 518; and solicited commission of the crimes of burglary, receiving stolen property, and forgery, in violation of Penal Code Section 653f.

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4. Michael Flynn additionally aided Gerald Armstrong in his violations of Penal Code Section 182, conspiracy, and Penal Code Section 653f, solicitation of burglary, receiving stolen property, and forgery.

Following his receipt of your letters, Steven A. Sowders, Head of the Special Investigations Division, met personally with Rev. Jentzsch and Rev. Hoden to discuss your complaint. I have since reviewed the voluminous materials you submitted in support of your charges, and I have spoken at length on the telephone and in person with church members John Peterson and David Butterworth. In our several conversations, I informed both Mr. Butterworth and Mr. Peterson that in order intelligently to evaluate the Church of Scientology's allegations, I would need further information. In addition to the documents already provided, I asked them to provide me with:

- (1) A complete description of the events to which the submitted documents relate, including:
 - (a) the time, date, and place of each event;
 - (b) the names of all persons present;
 - (c) the circumstances in which the event occurred;
 - (d) the name of each speaker and identifying information about him.
- (2) A description of the manner in which the recording or other source information was obtained.
- (3) A statement from the person who obtained the recording or other data, identifying him, describing the manner in which he obtained it, and setting forth the manner in which he could authenticate any recording and any transcript involved.
- (4) An explanation of the relevance of the conversations and other materials cited to the allegations of criminal conduct.

I further requested that they furnish any other evidence they might have in support of the Church of Scientology's allegations. I particularly requested documentation setting forth the specific facts in support of the allegations recited above. I asked that they provide the date, time, and place of each alleged event, and the name, address, and telephone number of each witness.

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In response, I received from Mr. John Peterson a letter dated September 27, 1985, which letter I discussed on October 3, 1985, with Mr. Butterworth. Thereafter, following many attempts on my part to schedule a meeting with either Mr. Peterson or Mr. Butterworth or both of them, on December 10, 1985, they came to my office and conferred with Investigator Alan Tomich and me.

In that meeting, I reiterated my need to know the date, time, and place of each alleged event, and the name, address, and telephone number of each witness. I further asked whether the Church of Scientology had any additional evidence in support of its allegations. Messrs. Peterson and Butterworth responded that they had submitted to this office all the evidence that they had.

I explained to them that, in order to decide whether a prosecutable crime had been committed, we had to interview those persons who had observed the events that were alleged to constitute the criminal conduct; and that in order to interview those persons we needed to know who they were and where we could find them. In response, Mr. Peterson repeated the suggestion he made in his letter of September 27, 1985, that we interview Eugene Ingram, who had videotaped certain events which, Mr. Peterson said, were the basis of his allegations. He declined, however, to identify, beyond the name "Joey," the persons other than Gerald Armstrong who appear on the tapes.

It was my understanding that Messrs. Peterson and Butterworth intended to review the matter and that they would subsequently forward the requested witness information to me. Their response was a letter dated December 15, 1985, which contained a witness list comprised of the names of the persons the Church of Scientology has accused plus another I.R.S. agent and two police officers. He furnished no further information.

I responded to Mr. Peterson in a letter dated January 16, 1986, in which I summarized our December 10 meeting. In it, I also asked Mr. Peterson to permit Investigator Tomich to interview Mr. Eugene Ingram (whom Mr. Peterson, as an attorney, apparently represents), and I again requested that Mr. Peterson supply us with the information outlined above.

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In response, I received from Mr. Peterson a letter dated March 18, 1986. In it, he denied that he and Mr. Butterworth had intended, after the December 10 meeting, to provide further information, and he declared that we had received all the data he felt we needed.

It appears, then, that no further evidence in support of your allegations is forthcoming; and based on Mr. Peterson's statement on December 10, 1985, that I had understood and accurately summarized the evidence the Church of Scientology had submitted, it appears that the assertions of fact described below constitute in its entirety the evidence in support of your allegations of criminal conduct.

Allegation 1:

That Chief Daryl Gates conspired to obstruct justice.

Evidence:

The allegation of "planting a 'wire tap' on Michael Flynn" was referred to Chief Gates¹ by Assistant City Attorney Lewis N. Unger on April 17, 1985.² On April 23, 1985, Chief Gates publicly rebuked Officer Phillip Rodriguez and Investigator Eugene Ingram for video taping Gerald Armstrong. Within hours, Investigators Lipkin and Ristuccia were seen, apparently by Rev. Heber Jentzch,³ leaving Parker Center. There has allegedly been no effort to do anything about "Mr. Armstrong's crimes."⁴ Chief Gates also initiated an investigation "into the police officer and private investigator" (July 19 letter, p. 6).

Allegation 2:

That Internal Revenue Service Agents Al Lipkin and Al Ristuccia conspired with Gates, Armstrong, and Flynn to obstruct justice and that they "aided and directed" Gerald Armstrong in the commission of violations of Penal Code Sections 182, 134, and 653f.

Evidence:

John G. Peterson declared under penalty of perjury⁵ that "Armstrong showed he was being used by the Internal Revenue Service to gather information." In support of that declaration, Mr. Peterson included "excerpts from the videotape" which indicated that "GA" mentioned Al Ristuccia and gave Al Lipkin's telephone number to "J".

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Agents Lipkin and Ristuccia visited Officer Phillip Rodriguez and allegedly attempted to "strong arm" him. Agents Lipkin and Ristuccia stated that, on April 18, 1985, they interviewed Rodriguez, who admitted signing an authorization letter. The agents considered Rodriguez evasive and sought police assistance in obtaining his cooperation. The agents were seen leaving Parker Center on April 23, 1985.⁶

Armstrong told "J" that he had told Lipkin some people might want to talk to him, and that he had told Lipkin to go after Peterson.

Allegation 3:

That Gerald Armstrong conspired with Michael Flynn, Daryl Gates, Al Lipkin, and Al Ristuccia to obstruct justice; prepared false documentary evidence; committed extortion; and solicited the commission of the crimes of burglary (Penal Code Section 459), receiving stolen property (Penal Code Section 496), and forgery (Penal Code Section 470), in violation of Penal Code Section 653f.

Evidence:

John Peterson declared that Armstrong conspired with a "church... staff member," was "used by...the Internal Revenue Service to gather information," "explained to the conspirators plans for attacking the church...and...Hubbard," and had a videotaped conversation with "J" which demonstrates his involvement with the government.⁹

"GA" told "J" to type the completed staff work on the policy and bring it in, that "issues can be created," but he was "not really saying create incrimination (sic) evidence...but just to write about the speculation." He also said, "They can never tell where the issue came from." He wanted the lawsuits to end so that he could get his "global settlement."¹⁰

Armstrong told "J" about a "good-looker" named Carol. He said "the way to the man's mind is through his cock" and "that's definitely the way to get to the top." He wrote a note which reads in part, "Establish available route for holding the cock of someone in ASI/WDC/etc."¹¹

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Armstrong allegedly wrote and handed over to someone on November 9, 1984, a "shopping list" of information which he asked a "church member to purloin." "GA" told "J" "something should be done so that they can capitalize on getting stuff...into writing and...unstabilizing the whole PI, attorney apparatus." He asked if "J" could get money to Peterson and told "J" to check the finance records. He said, "if we can get anything on Ingram (or) Peterson (or) finance records (or) other PI's (or) operation 'X'...., it's all vital."

Armstrong asked for specifics on payments to Ingram, and told "J" he should find what payments went to attorneys.

The handwritten list read in part, "1. Plan on Van Schaick...4. Anything on Hubbard or Don/ 5. Anything on upcoming legal battle... 8. Get me an original of an LRH Ed (current) or other issue type which could be from Hubbard. 8a. Same for WDC. Create one, get it distributed and get an assessment. Any partial that gives UP or ORG."¹²

He also told "J" he had given one "fanatic" document "to the Feds" and was giving them another.¹³

Armstrong told "J" on November 9, 1984, that he could type "things and duplicate them and make them look exactly the same" and that "we could set up a press and...produce issues...." He thought, "shouldn't I get some I HELP materials (?)". He wanted to know "how they're run off, what the type face is like..., - because we can simply create these;... - I can create documents with relative ease...."

"J" suggested changing some documents. "GA" responded that "a lot of things can be done", but he did not propose to "be stuffing things into their comm basket." He later commented that something could be pasted and photocopied.¹⁴

Allegation 4:

That Michael Flynn conspired to obstruct justice, and aided Gerald Armstrong in the crimes of conspiracy (Penal Code Section 182) and solicitation of burglary, receiving stolen property, and forgery (Penal Code Section 653f).

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Evidence:

In April, 1985, Flynn contacted the United States Attorney in Boston, the Internal Revenue Service, and the Los Angeles Police Department. Flynn's attorney, Raul Martinez then made allegedly false accusations of wire tapping.

Flynn told the Los Angeles Police Department that "Cooley" had had a video recording and a letter signed by Officer Rodriguez authorizing such a recording. By letter, Attorney Raul Martinez, representing Mr. Flynn, asked the City Attorney to investigate. The City Attorney forwarded the letter to Chief Gates.¹⁵

John Peterson declared under penalty of perjury that evidence indicated that Michael Flynn was directing Gerald Armstrong in order to steal documents, plot forgeries, steal legal strategies, implement a plot to seduce and blackmail a Scientologist, and conspire to suborn perjury.¹⁶

The "Van Schaick" case, referred to in Armstrong's "shopping list", was settled by Attorney Flynn.¹⁷

* * *

As Mr. Peterson has noted, I have spent a considerable amount of time reviewing and comprehending the materials you have submitted to this office. For the reasons set forth below, I do not find that those materials contain sufficient evidence of the commission of any of the alleged crimes to justify the further investigation of those allegations.

At the outset, I should like to point out the following regarding Mr. Peterson's letter dated September 27, 1985 and my subsequent communications with him. 1) Mr. Peterson told me that "the interviews took place in Griffith Park during... November, 1984." He has not otherwise responded to my request for a complete description of the events to which the documents related, including times, dates, places, names, circumstances, and identifying information. (See Request #1, above.)

2) Mr. Peterson told me that "tapes are not in dispute" and that details of the taping should be sought from Gene Ingram.

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But when Investigator Tomich sought to follow his advice, Mr. Peterson asserted he was Mr. Ingram's attorney, and he refused to permit Investigator Tomich to interview him.

In his letter of March 18, 1986, Mr. Peterson refused further to respond to my requests for a description of the manner in which recordings and other source information were obtained; and for a statement from the person who obtained the information (some of it apparently recorded, some of it apparently from other sources) identifying that person and describing the acquisition of the information, documents, or tape, and the manner in which it could be authenticated (proved to be what it purports to be). (See Requests Nos. 2 and 3, above.)

3) He submitted "data on the background of Jerry Armstrong" and the other documents referred to in the footnotes to this letter, in which he highlighted those portions he considered relevant to the allegations. He has not otherwise explained the relevance of the submitted materials to the allegations of criminal conduct. (See Request #4, above.)

4) He told me that the individuals speaking on the video tapes are "responsible witnesses who can be produced if necessary." Beyond submitting a list of the names of the persons you have accused and three of their associates, he has not otherwise responded to my requests that he document the specific facts which prove the commission of the crimes alleged, including the particular details about each event and the names, addresses, and telephone numbers of the witnesses (See the paragraph following request #4, above).

* * *

A conspiracy to obstruct justice is an agreement between two or more persons to do an act or omit to do an act, as the result of which justice or the due administration of the laws is obstructed or perverted. To convict a person of that crime the prosecution must prove that he made such an agreement with the specific intent to commit or omit the necessary act and that, while he was a member of the conspiracy, he or a co-conspirator committed an overt act in furtherance of the object within the prosecuting jurisdiction (in our case, Los Angeles County).

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Assuming that the factual allegations are true, and that Daryl Gates did receive from Michael Flynn a wiretapping complaint; did rebuke Officer Rodriguez and Investigator Ingram; and did initiate an investigation into possible criminal conduct by Rodriguez and Ingram; that Gerald Armstrong did have the above-described conversations with "Joey"¹⁸ about Al Lipkin and Al Ristuccia; that Lipkin and Ristuccia did interview Rodriguez, did consider him evasive, did seek Los Angeles Police Department assistance in obtaining Rodriguez's cooperation, and did visit Parker Center on April 23, 1985; that Armstrong told "Joey" to type staff work in order to create issues and that he did all the other things alleged (talked to "Joey" about "Carol," told "Joey" that "they" should destabilize the "PI, attorney apparatus," told "Joey" to check financial records, wrote and delivered the "shopping list," and gave documents "to the Feds") and that Michael Flynn both personally and through his attorney contacted the United States Attorney, the Internal Revenue Service, and the Los Angeles Police Department to complain about the tape recording, the actions of Officer Rodriguez, and other matters; and that he settled the "Van Schaick" case; we are unable to find in any of those allegations any evidence which would support an allegation that Chief Gates, Agent Lipkin, Agent Ristuccia, Mr. Armstrong, or Attorney Flynn agreed with anyone to commit or omit any act which might pervert or obstruct justice or the due administration of the laws.

No factual details (time, place circumstances, names of witnesses, etc.) have been submitted to support many of the conclusions that have been alleged. Thus there is no evidence that "there has been no effort to do anything about" crimes allegedly committed by Mr. Armstrong; that the Internal Revenue Service Agents attempted to "strongarm" Officer Rodriguez; that Mr. Armstrong conspired with a church staff member and explained to the conspirators his plans for attacking the church and Mr. Hubbard; that Mr. Armstrong wrote a "shopping list" of information and asked someone to "purloin" it; or that Michael Flynn made false accusations of wiretapping.

Therefore, the evidence of which we have been apprised of a conspiracy to obstruct justice is insufficient to warrant further investigation by this office.

To convict a person of the crime of preparation of false documentary evidence, the prosecution must prove that he in fact

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made the document, that it was false, and that he intended it to be produced as true for a deceitful purpose in a proceeding authorized by law.

Even assuming that it can be proved by competent, admissible evidence that Gerald Armstrong told "Joey" to type staff work and that "issues can be created," that "they can never tell where the issue came from," and that he wanted the lawsuits to end so that he could get his "global settlement"; that Armstrong wrote and gave to someone the "shopping list"; that he told "Joey" he wanted to get "stuff...into writing" and to "unstabliz(e)" the "apparatus"; that he said getting records was "vital"; that he said he could type and duplicate things and create documents and set up a press and produce issues, that he wanted to know about a type face, that a lot of things could be done and that something could be pasted and photocopied; none of this, taken alone, constitutes evidence that Mr. Armstrong in fact created a single false document or that he intended that such a document be produced for any purpose in any legal proceeding.

Further, in the documents submitted to us, Mr. Armstrong is quoted as stating that he was not advocating the creation of incriminating evidence and that he did not propose to "be stuffing things into their comm baskets."

We are aware of no other evidence which might lend criminal significance to the statements of Mr. Armstrong. We can find, therefore, no basis for a further investigation of the allegation that Penal Code Section 134 has been violated.

Extortion (Penal Code Section 518) is the obtaining of property from another with his consent, induced by a wrongful use of force or fear. The fear may be induced by a threat to injure a person or property, or to accuse the victim or a relative of crime, or to impute to any of them a deformity, disgrace, or crime, or to expose a secret affecting any of them. Penal Code Section 524 makes it a felony to attempt to commit extortion.

Assuming that it can be proved that Gerald Armstrong expressed the views alleged regarding the "way to the man's mind" and that he wrote the note referring to "ASI" and "WDC", that does not appear to us to be evidence that he or anyone obtained or

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attempted to obtain property from anyone by means of any threat. We therefore find no basis for further investigation of the allegation that Gerald Armstrong committed extortion.

The solicitation of another person to commit or join in the commission of burglary, receiving stolen property, or forgery is a felony, the proof of whose commission requires the testimony of two witnesses or of one witness plus evidence of corroborating circumstances. To convict a person of solicitation, the prosecution must prove that he asked another person to commit a crime with the specific intent that it be committed.

The solicitation of burglary requires a request that one enter a building or other specific place (See Penal Code Section 459) intending to commit larceny or a felony; the solicitation of receiving stolen property requires a request that one receive property that one knows has been stolen; the solicitation of forgery, a request that one, with the intent to defraud, sign without authority another's name or counterfeit his handwriting, or make any of the false documents specified in Penal Code Section 470, or knowingly utter such falsified document, signature, or handwriting.

Assuming that the allegations are true that Gerald Armstrong told "Joey" to type staff work, that "issues can be created." that "something should be done so that they can capitalize on getting stuff...into writing," that "if we can get anything on Ingram (or) Peterson (or) finance records..., it's all vital," and that "Joey" should find what payments went to attorneys; and, further assuming it to be true that Armstrong gave "Joey" a list which specified "plan" or "anything" "on" certain matters and stated "get me an original...issue type"; that he told "Joey" he had given and would give documents "to the Feds," that he could duplicate things and create documents, and that something could be pasted and photocopied; these allegations nonetheless do not constitute evidence that Mr. Armstrong, with the requisite intent, asked anyone to commit the crime of burglary, receiving stolen property, or forgery. We therefore find no basis for further investigation of the allegation that Gerald Armstrong violated Penal Code section 653f.

A person aids and abets the commission of a crime if, with knowledge of the perpetrator's unlawful purpose and with the intent to encourage or facilitate the commission of the crime, he aids, promotes, or instigates its commission.

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The documents submitted to us indicate that Gerald Armstrong gave "Joey" Al Lipkin's telephone number, that he told "Joey" that he had told Lipkin some people might want to talk to him, that he told "Joey" that he had told Lipkin to go after Peterson, and that he mentioned Al Ristuccia to "Joey". The allegations regarding Michael Flynn are described above.

None of those allegations is itself evidence of any unlawful connection between those men and Mr. Armstrong. Further, since we have been presented with no significant evidence of any unlawful conduct on the part of Mr. Armstrong, we do not find that there is sufficient evidence to warrant further investigation of the allegations that Al Lipkin, Al Ristuccia, or Michael Flynn aided and abetted the commission of any crime.

In addition to the lack of evidence set forth above, it must also be noted that, lacking knowledge of the manner in which the video tape recordings were obtained, we do not know whether their acquisition violated either United States or California law. If it violated federal law, material thus acquired even if relevant - which it does not appear to be - might be inadmissible in evidence.

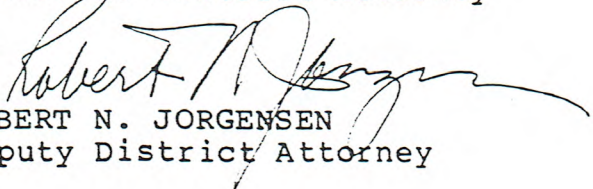
For all of the reasons described above, we have concluded that there is no evidence in support of the allegations of criminal conduct on the part of Daryl Gates, Al Lipkin, Al Ristuccia, Gerald Armstrong, and Michael Flynn. Accordingly, we shall take no further action in this matter, and our file is closed.

Very truly yours,

IRA REINER
District Attorney

CURT LIVESAY
Assistant District Attorney

BY


ROBERT N. JORGENSEN
Deputy District Attorney

jeb

c: Chief Daryl Gates, L.A.P.D.
Ron Townsend, I.R.S.
Al Lipkin, I.R.S.
Al Ristuccia, I.R.S.
Gerald Armstrong
Michael Flynn

FOOTNOTES

1. This is set forth in a document entitled "6. Obstruction of Justice".
2. See Exhibit 7 attached to "6. Obstruction of Justice."
3. See Exhibit 11 attached to "6. Obstruction of Justice."
4. See Number 1, above.
5. See document entitled "5. Conspiracy."
6. See Number 1, above.
7. See document entitled "2. Soliciting... ."
8. See document entitled "1. Soliciting... ."
9. See Number 5, above.
10. See document entitled "4. Preparation of False Documentary Evidence."
11. See document entitled "3. Extortion."
12. See document entitled "1. Soliciting... ."
13. See Exhibit 1 page 16.
14. See document entitled "2. Soliciting... ."
15. See Number 1, above.
16. See Number 5, above.
17. See Number 8, above.
18. During our December 10 meeting, Messrs. Peterson and Butterworth identified "J" as "Joey".

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FILED
JUN 22 1984
John J. Corcoran,
Rosie M. Hart
BY ROSIE M. HART, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

CHURCH OF SCIENTOLOGY OF CALIFORNIA,)	No. C 420153
)	
Plaintiff,)	MEMORANDUM OF
)	INTENDED DECISION
vs.)	
)	
GERALD ARMSTRONG,)	
)	
Defendant.)	
<hr/>		
MARY SUE HUBBARD,)	
)	
Intervenor.)	

In this matter heretofore taken under submission, the Court announces its intended decision as follows:

As to the tort causes of action, plaintiff, and plaintiff in intervention are to take nothing, and defendant is entitled to Judgment and costs.

As to the equitable actions, the court finds that neither plaintiff has clean hands, and that at least as of this time, are not entitled to the immediate return of any document or objects presently retained by the court clerk. All exhibits

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practice of cutting supposedly confidential "P.C. folders or files" to obtain information for purposes of intimidation and/or harassment is repugnant and outrageous. The Guardian's Office, which plaintiff headed, was no respecter of anyone's civil rights, particularly that of privacy. Plaintiff Mary Sue Hubbard's cause of action for conversion must fail for the same reason as plaintiff Church. The documents were all together in Omar Garrison's possession. There was no rational way the defendant could make any distinction.

Insofar as the return of documents is concerned, matters which are still under seal may have evidentiary value in the trial of the cross complaint or in other third party litigation. By the time that proceedings on the cross complaint are concluded, the court's present feeling is that those documents or objects not used by that time should be returned to plaintiff. However, the court will reserve jurisdiction to reconsider that should circumstances warrant.

Dated: June 20, 1984

Paul G. Breckenridge, Jr.
PAUL G. BRECKENRIDGE, JR.
Judge of the Superior Court

THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED IS A FULL TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE AND OF RECORD IN MY OFFICE.
ATTEST SEP 11 1984 19
JOHN L. CORCORAN, County Clerk and Clerk of the Superior Court of California, County of Los Angeles
BY *S. Hurst* DEPUTY
S. HURST

1
2 Appendix

3 Defendant Armstrong was involved with Scientology from
4 1969 through 1981, a period spanning 12 years. During that
5 time he was a dedicated and devoted member who revered the
6 founder, L. Ron Hubbard. There was little that Defendant
7 Armstrong would not do for Hubbard or the Organization. He
8 gave up formal education, one-third of his life, money and
9 anything he could give in order to further the goals of
10 Scientology, goals he believed were based upon the truth,
11 honesty, integrity of Hubbard and the Organization.

12 From 1971 through 1981, Defendant Armstrong was a member
13 of the Sea Organization, a group of highly trained
14 scientologists who were considered the upper echelon of the
15 Scientology organization. During those years he was placed in
16 various locations, but it was never made clear to him exactly
17 which Scientology corporation he was working for. Defendant
18 Armstrong understood that, ultimately, he was working for L.
19 Ron Hubbard, who controlled all Scientology finances,
20 personnel, and operations while Defendant was in the Sea
21 Organization.

22 Beginning in 1979 Defendant Armstrong resided at Gilman
23 Hot Springs, California, in Hubbard's "Household Unit." The
24 Household Unit took care of the personal wishes and needs of
25 Hubbard at many levels. Defendant Armstrong acted as the L.
26 Ron Hubbard Renovations In-Charge and was responsible for
27 renovations, decoration, and maintenance of Hubbard's home and
28 office at Gilman Hot Springs.

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1 never received payment or return of his friend's photographs.
2 When he became aware that the Church had these photographs, he
3 went to the Organization to request their return. A loud and
4 boisterous argument ensued, and he eventually was told to leave
5 the premises and get an attorney.

6 From his extensive knowledge of the covert and
7 intelligence operations carried out by the Church of
8 Scientology of California against its enemies (suppressive
9 persons), Defendant Armstrong became terrified and feared that
10 his life and the life of his wife were in danger, and he also
11 feared he would be the target of costly and harassing lawsuits.
12 In addition, Mr. Garrison became afraid for the security of the
13 documents and believed that the intelligence network of the
14 Church of Scientology would break and enter his home to
15 retrieve them. Thus, Defendant Armstrong made copies of
16 certain documents for Mr. Garrison and maintained them in a
17 separate location.

18 It was thereafter, in the summer of 1982, that Defendant
19 Armstrong asked Mr. Garrison for copies of documents to use in
20 his defense and sent the documents to his attorneys, Michael
21 Flynn and Contos & Bunch.

22 After the within suit was filed on August 2, 1982,
23 Defendant Armstrong was the subject of harassment, including
24 being followed and surveilled by individuals who admitted
25 employment by Plaintiff; being assaulted by one of these
26 individuals; being struck bodily by a car driven by one of
27 these individuals; having two attempts made by said individuals
28 apparently to involve Defendant Armstrong in a freeway

1 automobile accident; having said individuals come onto
2 Defendánt Armstrong's property, spy in his windows, create
3 disturbances, and upset his neighbors. During trial when it
4 appeared that Howard Schomer (a former Scientologist) might be
5 called as a defense witness, the Church engaged in a somewhat
6 sophisticated effort to suppress his testimony. It is not
7 clear how the Church became aware of defense intentions to call
8 Mr. Schomer as a witness, but it is abundantly clear they
9 sought to entice him back into the fold and prevent his
10 testimony.